

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DEON M. KILES,) Case No. 2:17-cv-01695-JCM-CWH
Plaintiff,)
v.)
TEGAN MACHNICH, et al,) **REPORT & RECOMMENDATION**
Defendants.)
_____)

10 Plaintiff submitted an Application to Proceed *in Forma Pauperis* (ECF No. 1) and a
11 Complaint on June 16, 2017. On June 23, 2017, this Court denied (ECF No. 3) Plaintiff's
12 Application, and gave Plaintiff a deadline of thirty days to either pay the filing fee or file a renewed
13 application to proceed *in forma pauperis*.

Pursuant to 28 U.S.C. § 1914(a), a filing fee of \$350.00 is required to commence a civil action in federal district court. The court may authorize the commencement of an action “without prepayment of fees and costs or security therefor, by a person who makes affidavit that he is unable to pay such costs or give security therefore.” 28 U.S.C. § 1915(a). Plaintiff was notified that failure to comply with the Court’s Order to pay the filing fee or submit a renewed application to proceed *in forma pauperis* would result in the Court recommending dismissal of the action.

20 More than thirty days have elapsed since the Court's Order and Plaintiff has not submitted
21 the filing fee or a renewed application.

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RECOMMENDATION

2 **IT IS HEREBY RECOMMENDED** that Plaintiff's Application for Leave to Proceed *in*
3 *Forma Pauperis* (ECF No. 1) be **dismissed without prejudice** for failure to pay the filing fee within
4 30 days of the Court's Order.

NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

14 || DATED: July 26, 2017

C.W. Hoffman, Jr.
United States Magistrate Judge